

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO. 3979-01
BILL NO. HB 1791
SUBJECT: Housing of Violent and Non-Violent Offenders
TYPE: Original
DATE: February 14, 2000

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON STATE FUNDS | | | |
|---|------------------------------|------------|------------|
| FUND AFFECTED | FY 2001 | FY 2002 | FY 2003 |
| General Revenue | (\$0 to \$79,420,000) | \$0 | \$0 |
| | | | |
| Total Estimated Net Effect on <u>All</u> State Funds | (\$0 to \$79,420,000) | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2001 | FY 2002 | FY 2003 |
| None | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|------------|------------|------------|
| FUND AFFECTED | FY 2001 | FY 2002 | FY 2003 |
| Local Government | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections** assume inmate housing decisions are currently based on a two-layered classification system as follows:

A. Inmates are assigned to specific institutions based on an overall classification system that matches the inmate's custody classification to the custody classification of the institution. Inmate assessment is based on objective factors such as the time remaining to serve, the incidence of serious institutional violations, and the nature of the sentencing offense to determine the current custody rating.

The custody level classification of each institution is based on several key elements including:

- Housing unit design, i.e. open access, dormitory-style, or secure cells
- Method of inmate movement
- Method of delivery of meals, services and programs
- Escape deterrence capability of the perimeter security systems

Under this system, inmates can transfer to a less secure institution based on their proximity to a release date, demonstration of acceptable behavior, and need for programs such as vocational education.

B. Decisions on individual housing unit assignments within an institution are based on an internal five-part classification system designed to house inmates with predatory tendencies separately from other inmates. While the present internal classification system separates predatory from non-predatory inmates, it does not separate solely on the type of current or previous offenses.

Under this proposal, DOC would be required to base individual cell assignments (where there is more than one inmate assigned to a cell) on whether the inmate was convicted of a violent offense. To assess the potential impact of this proposal on the current classification system, DOC conducted a review of all inmates assigned to a cell, based on a population snapshot. Of the 20,663 inmates assigned to a cell on that date:

- 11,507 inmates had a violent crime as the most serious offense
- 9,156 inmates had a non-violent crime as the most serious offense
- 2,888 cells (or approximately 14% of the total) contained inmates whose assignments were in conflict with the proposal.

ASSUMPTION (continued)

To maintain the integrity of the current classification system and ensure compliance with the proposal, an additional 1,444 cells (or 7% of the total on a given day) would have to be available throughout DOC. If constructed, the total cost for these cells would be in excess of \$79,420,000 (\$55,000 X 1,444). Utilizing this per-bed cost provides for a *conservative* estimate by DOC, as entire facilities and/or housing units would have to be constructed.

The impact of this proposal as it relates to inmates housed in open dormitories is unknown. If it is determined that inmates convicted of violent offenses cannot be housed under any circumstance with other inmates, an undetermined number of dormitory-style units would have to be constructed at \$41,556 per bed to insure the other 5,769 inmates not housed in cells would be assigned in compliance with the proposal.

Oversight assumes the cost of this proposal would be a one-time capital improvement of \$0 to \$79,420,000 in FY 2001, depending on DOC's implementation strategy.

| <u>FISCAL IMPACT - State Government</u> | FY 2001 (10 Mo.) | FY 2002 | FY 2003 |
|---|--------------------------|---------|---------|
| GENERAL REVENUE | | | |
| <u>Costs</u> - Department of Corrections Increased cells | (\$0 to \$79,420,000) | \$0 | \$0 |
| <u>FISCAL IMPACT - Local Government</u> | FY 2001 (10 Mo.) | FY 2002 | FY 2003 |
| | 0 | 0 | 0 |

FISCAL IMPACT - Small Business

No direct fiscal impact on small businesses would be expected due to this proposal.

L.R. NO. 3979-01
BILL NO. HB 1791
PAGE 4 OF 4
February 14, 2000

DESCRIPTION

The proposed legislation would prohibit the Department of Corrections from housing violent and nonviolent offenders in the same cell.

This legislation is not federally mandated, would not duplicate any other program, and would require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive "e" at the end.

Jeanne Jarrett, CPA
Director
February 14, 2000